

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4258 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

KANTILAL J TRIVEDI

Versus

AHMEDABAD MUNI SCHOOL BOARD

Appearance:

MR MM JADEJA for Petitioner

SERVED for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE R.K.ABICHANDANI

Date of decision: 19/12/96

ORAL JUDGEMENT

The grievance of the petitioner is that he has been denied his legitimate increment of Rs.15/- per month which was due from 1.1.1976, which was his normal date of increment and which would have put him at par with his junior in the pay-scale fixed pursuant to the award and he would have drawn on that basis Rs. 545/- per month from the said date.

The learned Counsel for the petitioner contended that the Municipal School Board was required to take a decision on the representation of the petitioner dated 10.1.1984, a copy of which is at Annexure "B" to the petition, in which the petitioner had put up his case that he was entitled to receive Rs. 545/- per month from the 1.7.1977 as was given to his immediate junior. However, the Municipal School Board had dropped the resolution which was required to be considered in this regard without taking any decision in the matter.

What should be the date of increment in respect of teachers who had stagnated - i.e. whether it should be their normal date of increment or not, was the question taken up for consideration by the School Board, but it transpires from Annexure "C" to the petition that by resolution No.157 dated 28.9.84 the proposed resolutions were dropped. The Union was informed by the Corporation on 4.12.1984 as per Annexure "E" to the petition that the subject was dropped by the School Board under its resolution dated 28.9.84.

The petitioner had by his representation dated 10.1.1984 claimed that his date of increment should be treated as 1.1.1976 being the normal date instead of 1.1.1977. The concerned authority was expected to take a decision on this representation of the petitioner but it appears that because the general proposal taken up for consideration for deciding the date of increment in such cases came to be dropped, no decision was taken on the representation of the petitioner. It would therefore, be appropriate to direct the concerned authority of the respondents Nos. 1 and 2 to consider the claim of the petitioner reflected in his representation dated 10.1.1984, a copy of which is at Annexure "B" to the petition and take a decision in accordance with law within eight weeks from the date of the receipt of this order. Rule is made absolute accordingly with no order as to costs.
